

STATE PUBLIC DEFENDER[493]

Adopted and Filed

Pursuant to the authority of Iowa Code section 13B.4(8), the State Public Defender hereby amends Chapter 12, "Claims for Indigent Defense Services," Iowa Administrative Code.

This amendment will allow an attorney in an adult criminal case to submit a claim for attorney fees within 45 days after the date of the expiration of the time for appeal from the judgment of conviction. This amendment is intended to allow the attorney a fairer opportunity to timely submit a fee claim after all required services have been performed.

Notice of Intended Action was published in the Iowa Administrative Bulletin on December 7, 2016, as **ARC 2830C**.

A public hearing was held on January 3, 2017, at 10 a.m. in Conference Room 424, Fourth Floor, Lucas State Office Building, 321 E. 12th Street, Des Moines, Iowa. Interested persons also had the opportunity to make written suggestions or comments on the proposed amendment on or before January 3, 2017. No written suggestions or comments were received. This amendment is identical to that published under Notice of Intended Action.

The agency does not believe that the amendment poses a financial hardship on any regulated entity or individual.

After analysis and review of this rule making, no adverse impact on jobs has been found.

This amendment is intended to implement Iowa Code chapters 13B and 815.

This amendment shall become effective March 8, 2017.

The following amendment is adopted.

Amend paragraph **12.2(3)"a"** as follows:

*a. Adult claims.* For adult claims, "date of service" means the date of filing of an order indicating that the case was dismissed or the client was acquitted ~~or sentenced~~, the date of the expiration of the time for appeal from a judgment of conviction, the date of a final order in a postconviction relief case, the date of mistrial, the date on which a warrant was issued for the client, or the date of a court order authorizing the attorney's withdrawal from a case prior to the date of a dismissal, acquittal, sentencing, or mistrial. The filing of a notice of appeal is not a date of service. If a motion for reconsideration is filed, the date on which the court rules on that motion is the date of service. For interim adult claims authorized by subrule 12.3(3) or 12.3(4), the date of service is the last day on which the attorney claimed time on the itemization of services.

[Filed 1/11/17, effective 3/8/17]

[Published 2/1/17]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 2/1/17.